

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAWRENCE CARLTON SMITH,

No. C 13-3316 MEJ (pr)

Plaintiff,

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL;  
DIRECTING CLERK TO REISSUE  
NOTICE OF LAWSUIT TO  
UNSERVED DEFENDANTS**

v.

L. STEPP, et al.,

Defendants.

**(Docket No. 15)**

Plaintiff Lawrence Carlton Smith filed a pro se civil rights action under 42 U.S.C. § 1983. On August 6, 2013, the Court issued an Order of Partial Service, ordering service on several Defendants employed at Salinas Valley State Prison (SVSP), including Officer J. Garcia. The Court mailed a Notice of Lawsuit and Request for Waiver of Service of Summons as well as the complaint on Defendants, including Officer J. Garcia. On August 19, 2013, the Litigation Coordinator at SVSP informed the Court that the documents could not be served because the Clerk of Court did not list any names on the defendant line of the Notice of Lawsuit and Request for Waiver of Service of Summons. The Litigation Coordinator also informed the Court that he needed more information to identify Officer J. Garcia because there are four individuals with that name at SVSP. (See Docket No. 12.)

The Court ordered plaintiff to provide additional location information to effect service on Officer J. Garcia. Plaintiff has responded by providing a Rules Violation Report prepared by Officer J. Garcia showing that on September 1, 2010, Officer J. Garcia's assignment at SVSP was "D8 S&E #2." (See Docket No. 14 at 3.)

1 For the foregoing reasons,

2 The Clerk shall reissue a Notice of Lawsuit and Request for Waiver of Service of  
3 Summons, two copies of the Waiver of Service of Summons, a copy of the complaint,  
4 (Docket No. 1), all attachments thereto, a copy of the Order of Service, (Docket No. 8), and a  
5 copy of this order on **Defendants Correctional Sergeant D. Battles and Correctional**  
6 **Officers M. Mejia, J. Cermeno, M. Rodriguez, and J. Garcia at Salinas Valley State**  
7 **Prison** (P.O. Box 1020, Soledad, CA 93960-1020).

8 Briefing shall proceed in accordance with the Court's Order of Service filed on  
9 August 6, 2013. (Docket No. 8.)

10 Plaintiff's motion for appointment of counsel, (Docket No. 15), is DENIED without  
11 prejudice for lack of exceptional circumstances. See Rand v. Rowland, 113 F.3d 1520, 1525  
12 (9th Cir. 1997); Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wilborn v.  
13 Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986).

14 The Clerk shall send a courtesy copy of this order to the State Attorney General's  
15 Office in San Francisco. Additionally, the Clerk of Court shall send a copy of this order to  
16 plaintiff and to the SVSP Litigation Coordinator. The SVSP Litigation Coordinator is  
17 requested to take note of the additional location information for J. Garcia provided above.

18 This order terminates Docket No. 15.

19  
20 IT IS SO ORDERED.

21  
22 DATED: September 19, 2013

  
\_\_\_\_\_  
23 Maria-Elena James  
24 United States Magistrate Judge  
25  
26  
27  
28